

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BRENTON ULLMAN, *et al.*,

Plaintiff,

vs.

Case No. 14-cv-843 SMV/GBW

DENCO, INC., *et al.*,

Defendants.

**ORDER GRANTING MOTION FOR LEAVE TO FILE SURREPLY**

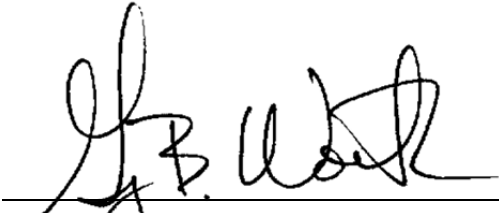
This matter comes before the Court on Defendants' Motion for Leave to File Surreply, *doc. 132*, and Plaintiffs' Response in Opposition, *doc. 136*. The local rules state that "[t]he filing of a surreply requires leave of the Court." D.N.M.LR-Civ. 7.4(b). Defendants argue that Plaintiffs' reply adds new evidence and arguments, which requires the Court to either grant leave to file a surreply or to disregard the reply. *Doc. 132* at 2 (citing *Doele v. Sprint/United Mgmt. Co.*, 342 F.3d 1117, 1139 n. 13 (10th Cir. 2003)). Defendants assert that because the reply adds relevant evidence on the issue of whether an adequate meet and confer occurred prior to the filing of Plaintiff's motion, the Court should choose the former option and permit them to file a surreply. *Id.*

Having reviewed Plaintiffs' initial Motion, which asserts that the meet and confer requirement was met, but which does not include the ten pages of exhibits Plaintiffs attached to their Reply to support that assertion, the Court finds that there is sufficient

cause to consider Defendants' Surreply. *See Martinez v. Blake's Lotaburger, LLC*, 674 F. Supp. 2d 1286, 1287 (D.N.M. Nov. 17, 2009) (denying motion for leave to file a surreply after refusing to consider evidence and argument raised in reply to motion to strike).

IT IS THEREFORE ORDERED that Defendants' Motion for Leave to File Surreply, *doc. 91*, is GRANTED and the Court will consider the arguments contained therein.

IT IS SO ORDERED.



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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE